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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,022	01/02/2004	Eric A. Portman	10022/325	3692
33391 7590 02/04/2008 ACCENTURE INDY 33391 BRINKS HOFER GILSON & LIONE ONE INDIANA SQUARE, SUITE 1600 INDIANAPOLIS, IN 46204			EXAMINER WIN, AUNG T	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 02/04/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/751,022	Applicant(s) PORTMAN ET AL.	
	Examiner Aung T. Win	Art Unit 2617	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 December 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). **REQUEST FOR RECONSIDERATION (R)**
7. ☒ For purposes of appeal, the ~~proposed amendment~~ (s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 36, 38-48, 50-59, 61-65 and 67-73.
Claim(s) withdrawn from consideration: 37, 49, 60 and 66.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


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Continuation of 11. does NOT place the application in condition for allowance because: Applicant's Remarks filed on 12/26/2007 are not persuasive.

Regarding rejected 36,38-48,50-59,61-65 and 67-73, applicant argues that present application claims priority from

prior CONTINUATION-IN-PART of, US application serial no. 10/263,523, filed on October 3, 2002 entitled Multi-Modal Messaging, which claims priority from US PROVISIONAL Application Serial No. 60/326835, AND

prior CONTINUATION-IN-PART of, US application serial no. 10/264219, filed on October 3, 2002 entitled Virtual Customer Database, which claims priority from US PROVISIONAL Application Serial No. 60/326827, and

therefore, reference Tsutsumi used in office action filed on October 21, 2002 is not prior art to the present application and combination rejections in view of reference Tsutsumi do not teach or suggest the claimed invention as claimed in 36,38-48,50-59,61-65 and 67-73.

As cited in Final Office, Examiner does not acknowledge claimed priority because the disclosure of CONTINUATION-IN-part of US applications 10/263523, which claims priority from US PROVISIONAL Application Serial No. 60/326835, AND

CONTINUATION-IN-PART of US application 10/264219, filed on October 3, 2002 entitled Virtual Customer Database, which claims priority from US PROVISIONAL Application Serial No. 60/326827 fails to provide claimed subject matters as disclosed in amended claims OR ORIGINALLY FILED CLAIMS of Application No. 10/751022.

In response to claimed priority issue, applicant argues that CONTINUATION-IN-PART of US application 10/264219 support the claimed limitation of "the response including only information from the information record that is identified by a user of the subscriber terminal as permissible to sent to the wireless terminal" because

10/264219 describes "As previously discussed requests originating from consumers may be addressed by the pull services of the VCDB system 10 (FIG. 1). Consumers may initiate requests via an electronic communication channel using for example a wireless communication device" on paragraph 0055,

10/264219 describes " Verification of consent by the consumer, and/or the participating businesses 12, to the release and use of consumer/customer information that may be needed to process requests may be provided by the consumer verification data" on paragraph 0032, and

10/264219 describes "Determination of the authorization level may involve verification of consent for the release and use of any customer information that may be needed to process and provide a response to the request" on paragraph 0061.

However, applicant should be noted that paragraph 0032, 0055, 0061 of 10/264219 does not support claimed invention as claimed in independent Claims 36, 48 & 59 i.e.,

generating as authorization request to request permission from the subscriber terminal to provide the information record of the subscriber terminal to the wireless terminal;
transmitting the authorization request to the subscriber terminal in accordance with the determined contact preference;
receiving a reply from the subscriber terminal indicative of whether or not the requested information record is permitted to be provided to the wireless terminal; and
generating a response for transmittal to the wireless terminal only when the reply is indicative of permission to proceed with provision of the requested information record to the wireless terminal, the response including only information from the information record that is identified by a user of the subscriber terminal as permissible to send to the wireless terminal.

Therefore, reference Tsutsumi used in office action filed on October 21, 2002 is prior art of this present application and rejections are proper. Therefore, Applicant's Remarks filed on 12/26/2007 are not persuasive.

Regarding Claims 38, 48, 50, 58, 59 & 61, examiner acknowledges typographical error and rejections as stated in Final Office Action are actually meant to refer to pending Claim 36 rejection as applicant noted because executed steps read on corresponding method steps of Claim 36.